

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA, :

Plaintiff, : Case No. 3:12-PO-42

-vs- : Magistrate Judge Michael J. Newman

JOHN HEETER, :

Defendant. :

ORDER DENYING REQUEST FOR EARLY TERMINATION OF PROBATION

Now before the Court is an October 18, 2012 Memorandum by U.S. Probation Officer Gregory Freson. The Memorandum sets forth Mr. Freson's request for an early termination of Defendant's probation term because, among other reasons, Defendant seeks to move to Florida and has also "submitted three (3) negative urine screens while on supervision." Memo, at 1.

The Court heard oral argument on the merits of this request, by telephone and with counsel for both sides, on October 26, 2012. Then Court then also heard from Mr. Freson, who also appeared by phone. At the time of the conference call, Defendant's counsel had not yet seen Mr. Freson's Memo. Accordingly, the Clerk was directed to send defense counsel a copy of the Memo, and counsel was afforded the weekend and this morning in which to file a pleading for the Court's review, should counsel wish to do so. Counsel advised the Court today, via email, that he has "nothing further to present to the Court regarding the Heeter request for termination of probation."

Although the Court is sensitive to Defendant's desire to move to Florida, several factors weigh against termination of probation in this instance. First, Defendant was sentenced on September 5, 2012, and has thus completed less than two months of his one-year probation term. Second, Defendant's license was suspended for six months, and there will be no supervision of this license suspension if probation terminates early. Finally, there are other, more appropriate options besides termination of probation – most notably, transferring Defendant's supervision to the Middle District of Florida and affording him the opportunity to complete his probation there.

The Court thus **DENIES** the request to terminate probation early. For good cause shown, the Court will entertain a motion to transfer probation to the Middle District of Florida or another district where Defendant has found work or is gainfully seeking employment.

IT IS SO ORDERED.

October 29, 2012

s/ **Michael J. Newman**
United States Magistrate Judge